

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JUSTIN LEE DOUGLAS,

Plaintiff,

v.

ORDER

JOHN AND JANE DOE OFFICERS and LARRY
FUCHS,

24-cv-6-jdp

Defendants.

The court allowed plaintiff to proceed on a claim under the Eighth Amendment against Doe officers. Dkt. 15. As relevant here, because he believes he can draft a stronger complaint, plaintiff moves for leave to file a second amended complaint. Dkt. 16 at 2. At this relatively early stage in the case, the court sees no prejudice in allowing plaintiff to file a second amended complaint containing all of the allegations on which he seeks to proceed. Therefore, the court will grant plaintiff's motion.

Plaintiff must file his second amended complaint on the court's prisoner complaint form, which the court will send him along with this order. If plaintiff needs more space to allege his claims, then he may submit *no more than five supplemental pages*. Any text or handwriting on the form or on a supplemental page must large enough and spaced far enough apart for the court to be able to read it.

In drafting the second amended complaint, plaintiff should be mindful that, to state a claim for relief, a pleading must contain "a short and plain statement of the claim showing that [he] is entitled to relief." Fed. R. Civ. P. Rule 8(a)(2). Plaintiff's allegations must be "simple, concise, and direct." Fed. R. Civ. P. 8(d). Plaintiff should state his allegations in numbered paragraphs, "each limited as far as practicable to a single set of circumstances."

Fed. R. Civ. P. 10(b). Plaintiff should identify the claims he wishes to allege in the second amended complaint, but should omit any legal arguments.

Plaintiff should carefully consider whether he is naming proper defendants, which means that he should omit defendants who did not personally participate in, or otherwise cause, a violation of his rights. Plaintiff must explain what each defendant did, or failed to do, that violated his rights. If there are multiple defendants, plaintiff should avoid referring to them collectively. For instance, if more than one defendant has taken a particular action that plaintiff believes supports a claim, he should identify each defendant who took that action. Plaintiff also should identify by full name in the case caption of his second amended complaint every one of the individuals whom he wishes to sue.

ORDER

IT IS ORDERED that:

1. Plaintiff motion to amend, *see* Dkt. 16, is GRANTED.
2. Plaintiff has until June 6, 2024, to file a second amended complaint in accordance with the instructions provided in this order.
3. The second amended complaint will act as a complete substitute for the original complaint. This case will proceed on only the allegations made and claims presented in the second amended complaint, and against only the defendants specifically named in the second amended complaint's caption.

4. The clerk of court is directed to send plaintiff copies of this order and the court's prisoner complaint form.

Entered May 13, 2024.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge